

HOUSE BILL No. 1149

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-13.

Synopsis: Filling vacancies. Provides that a precinct committeeman is eligible to participate in a caucus to fill an early candidate vacancy or a vacancy in certain offices only if the precinct committeeman is entitled to vote for the office for which a candidate or successor is to be selected.

Effective: July 1, 2015.

Bartlett

January 8, 2015, read first time and referred to Committee on Elections and Apportionment.



First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1149

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 3-13-1-10, AS AMENDED BY P.L.230-2005,
2 SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 10. (a) To be eligible to participate in a caucus
4 called under section 7 of this chapter, ~~an elected~~ a precinct
5 committeeman must be entitled to vote for the office for which a
6 candidate is to be selected.
7 **(b)** An elected precinct committeeman is eligible to participate in
8 a caucus called under this chapter, regardless of when the ballot
9 vacancy occurred.
10 **(b) (c)** An appointed precinct committeeman is eligible to
11 participate in a caucus called under section 7 of this chapter if the
12 precinct committeeman was a committeeman thirty (30) days before
13 the vacancy occurred.
14 **(c) (d)** For purposes of a candidate vacancy resulting from the
15 failure of a candidate to be nominated at a primary at which precinct



committeemen were elected, an appointed precinct committeeman is eligible to serve if the committeeman has been reappointed following the primary in accordance with the rules of the committeeman's political party.

SECTION 2. IC 3-13-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) To be eligible to participate in a caucus called under this chapter, ~~an elected~~ a precinct committeeman must be entitled to vote for the legislative office for which a successor is to be selected.

(b) An elected precinct committeeman is eligible to participate in a caucus called under this chapter, regardless of when the vacancy in the legislative office occurred.

~~(b)~~ (c) An appointed precinct committeeman is eligible to participate in a caucus called under this chapter if the precinct committeeman was a committeeman thirty (30) days before the vacancy occurred.

~~(c)~~ (d) An individual eligible to participate in a caucus held under this chapter has one (1) vote.

SECTION 3. IC 3-13-11-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) To be eligible to be a member of a caucus under this chapter, a precinct committeeman must satisfy the following:

(1) Be a member of the same political party that elected or selected the person who vacated the office to be filled.

(2) Be the precinct committeeman of a precinct in which voters were eligible to vote for the person who vacated the office to be filled at the last election conducted or permitted for the office.

(3) Be entitled to vote for the office for which a successor is to be selected.

~~(3)~~ (4) Satisfy the other requirements of this section.

(b) An elected precinct committeeman is eligible to participate in a caucus called under this chapter, regardless of when the vacancy in the office occurred.

~~(b)~~ (c) An appointed precinct committeeman is eligible to participate in a caucus called under this chapter if the precinct committeeman was a precinct committeeman thirty (30) days before the vacancy occurred.

~~(c)~~ (d) If fewer than two (2) persons are eligible to be members of a caucus under this section, the county chairman entitled to give notice of a caucus under section 3 of this chapter shall fill the vacancy, ~~no not~~ later than thirty (30) days after the vacancy occurs. A chairman acting under this subsection is not required to conduct a caucus.



1 SECTION 4. IC 3-13-11-7 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) This section does
 3 not apply to a vacancy filled by a county chairman under section ~~5(e)~~
 4 **5(d)** of this chapter.

5 (b) A person who wishes to be a candidate for pro tempore
 6 appointment to fill a vacancy under this chapter must file:

7 (1) a declaration of candidacy with the chairman of the caucus;
 8 and

9 (2) a statement of economic interests with the commission on
 10 judicial qualifications if the vacancy is in the office of prosecuting
 11 attorney;

12 at least seventy-two (72) hours before the time fixed for the caucus.

13 SECTION 5. IC 3-13-11-11 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. (a) ~~No~~ **Not** later
 15 than noon five (5) days after:

16 (1) the selection required by section 10 of this chapter; or

17 (2) a selection under section ~~5(e)~~ **5(d)** of this chapter;

18 the chairman shall certify the pro tempore appointment results to the
 19 circuit court clerk of the county in which the greatest percentage of the
 20 population of the election district is located.

21 (b) This subsection applies to the selection of an individual for an
 22 appointment pro tempore as judge of a town court, prosecuting
 23 attorney, circuit court clerk, county auditor, county recorder, county
 24 treasurer, county sheriff, county coroner, or county surveyor. The clerk
 25 shall forward a copy of the certificate to the election division. The
 26 election division shall prepare a commission for issuance under
 27 IC 4-3-1-5 in the same manner that the election division prepares a
 28 commission following the election of an individual to the office.

29 (c) This subsection applies to the selection of an individual for an
 30 appointment pro tempore to a local office not described in subsection
 31 (b). The clerk shall file the certificate in the clerk's office in the same
 32 manner as certificates of election are filed. Within twenty-four (24)
 33 hours after the certificate is filed, the clerk shall issue a copy of the
 34 certificate to the individual named in the certificate.

